

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0999-21 **Applicant:** J O Sims Ltd

Proposal: Temporary storage structure to support expansion requirements (retrospective) - approved under H14-1066-18. Modification of Condition 1 to allow structure to remain on site for a further period of time.

Location: J O Sims Ltd Pudding Lane Pinchbeck

Terminal Date: 22nd November 2021

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution

National Guidance**National Planning Policy Framework 2021**

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted retrospectively under application ref. H14-1066-18 for the temporary storage structure to support the expansion requirements of J O Sims Ltd, Pudding Lane, Pinchbeck.

Condition 1 of that permission states:

"The structure hereby permitted shall be removed from the site at or before 3 years from the date of this permission and the site restored to its former condition before its erection, unless the prior written consent of the Local Planning Authority has been obtained to an extension of the period of validity."

The three year period will expire in November this year and the applicant is seeking to retain the structure on site for a further 3 years as there is a continued need.

Site Description

The site is a food storage/processing facility. The site consists of a large industrial style distribution building which is surrounded by areas of hardstanding and parking bays. Morrisons supermarket is located to the east, while a number of other industrial units are situated to the west and south.

The temporary storage structure is located at the southern end of the site and has a steel frame with a grey PVC covering.

Relevant History

H14-1066-18 - Full - Temporary storage structure to support expansion requirements (retrospective) (approved November 2018)

Consultation Responses

SHDC Environmental Protection - No objection.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Planning Considerations

Principle of continued use

The structure supports the existing business on site and is considered to be acceptable in accordance with Policy 7 of the Local Plan.

Visual appearance

The visual appearance of the structure does not appear to have deteriorated to a significant degree and it is read as part of the wider commercial activity on the site. Therefore its retention for a further 3 year period would be acceptable in visual terms.

The proposal is therefore considered to satisfactorily accord with Policies 2 and 3 of the Local Plan with regard to design/visual appearance.

Amenity

There are no residential properties in the immediate vicinity therefore there are no amenity concerns. The structure would continue to be used in conjunction with the existing use of the site therefore all activities are already present on the site so there would no new impact.

As such the development would satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this regard.

Planning Balance

Given that the visual appearance of the structure has not deteriorated to a significant degree and

there would be no new amenity impact, it is considered that the planning balance remains in favour of the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy Framework, 2019.